



Town of New Windsor

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OFFICE OF THE PLANNING BOARD WEDNESDAY — SEPTEMBER 8, 2004 - 7:30 PM TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

ANNUAL MOBILE HOME PARK REVIEW:

- a. WALTERS MOBILE HOME PARK – RT. 207

PUBLIC HEARINGS:

1. **73 WINDSOR HIGHWAY SITE PLAN (04-08) WINDSOR HIGHWAY (SHAW)**
Proposed 10,500 s.f. building for storage and retail with additional parking.

REGULAR ITEMS:

2. **MONDOME, INC. (04-10) MT. AIRY ROAD (SHAW)** Proposed seasonal sports dome on existing golf course property.
3. **ELLA MAE HARRIS SUBDIVISION & LOT LINE CHANGE (03-25) RILEY ROAD (YANOSH)** Proposed two lot residential subdivision to divide two existing dwellings on single lot.
4. **AMOIA REALTY LOT LINE CHANGE (04-21) RUSCITTI ROAD (STRIDIRON)**
Proposed lot line change between two commercial properties.
5. **EXXON – MOBIL SITE PLAN & SPECIAL PERMIT (04-22) RT. 94 & RT. 32 (MEESE)** Proposed renovation of existing service station.
6. **MT. AIRY ESTATES (04-23) "J" STREET (ROSENSWEIG)** Proposed 13-lot residential subdivision.
7. **PLUM POINT CONDOMINIUMS AMENDED PARKING LOT SITE PLAN (04-24) OFF RT. 9W (HALBERTHAL)** Proposed change in parking layout.

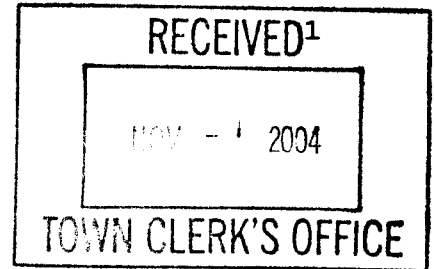
DISCUSSION

8. **NAPOLI'S PIZZA – WINDSOR HIGHWAY**
9. **ARCTIC GLACIER NEWBURGH, INC. -**

ADJOURNMENT

(NEXT MEETING – SEPTEMBER 22, 2004)

September 8, 2004



TOWN OF NEW WINDSOR

PLANNING BOARD

September 8, 2004

MEMBERS PRESENT: JAMES PETRO, CHAIRMAN
RON LANDER
JERRY ARGENIO
THOMAS KARNAVEZOS
NEIL SCHLESINGER

ALTERNATES: ERIC MASON
DANIEL GALLAGHER

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MICHAEL BABCOCK
BUILDING INSPECTOR

ANDREW KRIEGER, ESQ.
PLANNING BOARD ATTORNEY

MYRA MASON
PLANNING BOARD SECRETARY

REGULAR MEETING

MR. PETRO: I'd like to call to order the September 8, 2004 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

ANNUAL MOBILE HOME PARK REVIEW:

WALTERS MOBILE HOME PARK

Mr. Alan Dantas appeared before the board for this proposal.

MR. PETRO: Mike, has someone from your department been there? Do you have any outstanding comments or anything you want to discuss? This is for a one year extension.

MR. BABCOCK: Yes, Mr. Chairman, we have, and everything's fine there. The applicant has a copy.

MR. PETRO: We have check for \$435.00 made out to the Town of New Windsor. It's 63 single trailers and 24 doubles. Any mention for anything from the board members? If not, I'll take a motion.

MR. ARGENIO: Motion for one year extension to Walters Mobile Home Park.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning board grant one year extension to the Walters Mobile Home Park. Is there any further discussion? If not, roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

PUBLIC HEARING:

73 WINDSOR HIGHWAY SITE PLAN (04-08)

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. PETRO: Proposed 10,500 square foot building for storage in a retail zone with additional parking. It was reviewed at the 14 April, 2004, 28 July, 2004 Planning Board meetings. It's in a C zone, bulk information on the plan is correct for the zone and uses. The site is in conformance with the zoning with the exception of the pre-existing, non-conforming conditions and we went over that the last two meetings which in reality you're going to improve with the layout of the parking. I think we had a couple concerns, one was I think with the wall and the second was with the drainage that's taking the water across from 32 down in the swale and I had asked you where it goes?

MR. SHAW: Correct.

MR. PETRO: That's the bottom line. You want to add anything to the last presentation, Greg? I'd rather open it to the public.

MR. SHAW: One more issue that was on the table and that was the retaining wall and the fence behind it. And in speaking with your building inspector and your engineer, I do not believe there's any requirement in the Town of New Windsor requiring a wall, a fence behind a retaining wall other than common sense. So with that, we will be more than happy to provide a split rail fence with black vinyl coated PVC chain link fence attached to it to preclude anybody from possibly falling over the wall, that's going to be along the entire length of the wall, probably 80 percent of the wall is in the range of three to five feet. We do have

about a 60 foot section which varies from five feet to nine feet but at what point do you stop with the fence and say the wall is not high enough to warrant it. So we felt that if we put it along the entire length that would be more than prudent.

MR. PETRO: On the 28th day of August 2004, 13 addressed envelopes containing notice of public hearing were mailed. If someone is here who'd like to speak for or against or just make comment on this application, be recognized by the Chair, come forward, state your name and address and your concerns. Would anyone like to speak? The Chair notices that there's no one here to speak.

MR. ARGENIO: Make a motion to close the public hearing.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning board close the public hearing for the 73 Windsor Highway site plan. Is there any further comment? If not, roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: At this time, I will reopen it back to the board for any further comment. We have looked at this three or four times. Mark, do you have any outstanding comments? I didn't read the sheet yet.

MR. EDSALL: The only question that I would ask if Andy's familiar with is my comment number 3 relative to

the Orange County Planning Department reimposing their jurisdiction on review of projects within 500 foot of the state highway, inasmuch as this application has been active and was before the board prior to the September 1st date, do we need to send it to them now or is it only new?

MR. PETRO: I have 14 of April, 2004 is when we started and workshop before then.

MR. EDSALL: Just seeing if we can get a read as to General Municipal Law 239, if we have to send it now or because it was in review already it doesn't apply.

MR. KRIEGER: Because it was in review it ought not to apply but the General Municipal there may carve out an exception to the General Municipal Law 239 and I personally am not aware of the reasons why they have rescinded that, I suspect that those reasons may be legally compelled.

MR. EDSALL: The intermunicipal agreement that allowed a limitation of the referrals expired and the county decided not to extend it is really what happened so it expired.

MR. KRIEGER: Leaving the--

MR. EDSALL: When this application was made, the agreement was in effect so I'll leave it to the board to decide if they would just want to proceed.

MR. KRIEGER: Even if the board decides not to require it which it may, the applicant may wish to do that anyway so as to not run a risk. That's up to them.

MR. PETRO: Let's do it that way. We're not going to require you, you've have been here, you're just missing it by a short period of time but talk to your client, you may want to forward a plan as a sign of good will,

I'll leave it in your hands. Back to the other thing that seems to be more important to me than what we just discussed, I'm surprised nobody showed up, that's why we had the public hearing. Where does the water go?

MR. SHAW: Well, that's a good question. Two issues, one is how much water are we talking about and what I'd like to present are photos which I took today of the site.

MR. PETRO: I went to the site myself, by the way.

MR. SHAW: On the southerly portion of the site as you can see, a very good portion of it is a combination of oil and chip surface paving, pieces of shale, impervious surfaces, so by virtue of the fact of us probably adding another half an acre of impervious area to the site is not going to generate a lot of runoff so that's point a that we're not in my opinion we're not talking about a lot of water. Point B is where does it run? All right, and I gave a copy of this to your consulting engineer, I don't have enough copies so you're going to have to share this you'll see on the plan Windsor Highway, the building itself is marked in red, the drainage course you're referring to moves in this fashion, it also picks up the drainage course which is coming through Devitt's, it crosses under Conrail, starts heading for this large wetland area, continues through the wetland area into the little falls area, okay, and then just discharges directly under Walshes Road into the Quassaick Creek. So it really doesn't go through Clancytown and you can tell by the contours that's the drainage path so it's pretty innocuous as far as there being an increase in runoff and won't be affected by it and again, your engineer has a copy of that and he may want to give his thoughts.

MR. PETRO: He thinks he answered my question. What about once it gets in the river? Okay, that's a good

job. Now I went down there and looked and it is quite large, it goes underneath, is this the tracks here?

MR. SHAW: Yes.

MR. PETRO: I didn't realize that it was such an outflow there. I think the board we just wanted to have an idea because it's such a large swale where it went and I think you've answered that and we appreciate it. The swale itself is going to be made out of rip-rap, correct?

MR. SHAW: Yeah, I just want to touch on that for a second. At the last meeting, I told you I had a previous conversation with Jack Devitt who owns this building who sold it to Central Valley Real Estate. I bumped into Jack again and I talked to him about it and he said this change in the drainage system happened about 20 years ago and that the state come along and basically took the drainage and bypassed it. When we had those very heavy rain storms on the weekend of about three weeks ago when this area was literally being flooded, I took a ride to see how much water was coming through the 24 inch pipe. If we had 1 1/2 inches of water coming through that it was a lot, it was a trickle. We're putting in the rip-rap swale just so if the state in the future ever decides to do some more modifications and puts some more water in the culvert pipe for all intents and purposes, it's not needed. If you look at the many pictures, it's all grass, you have a little bit of rip-rap and the grass.

MR. PETRO: And the rip-rap is all on private property maintained by Central Valley Real Estate?

MR. SHAW: Correct.

MR. PETRO: The highway superintendent doesn't want too many more rip-rap swales. It's privately held?

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MR. SHAW: Correct.

MR. PETRO: Mark, do you have anything else? The planning board should require that a bond estimate be submitted for the site plan in accordance with Chapter 137 of the Town Code.

MR. EDSALL: That's the only item. All the other issues have been responded to.

MR. PETRO: Do any of the members have any further comments? If not, entertain a motion for final approval.

MR. ARGENIO: Make a motion for final approval for 73 Windsor Highway site plan.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning board grant final approval to the 73 Windsor Highway, I read in that the planning board should require that a bond estimate, you heard me say it.

MR. SHAW: Absolutely.

MR. PETRO: I don't think there's any other subject-tos or anything that we have.

MR. SHAW: That the drawings reflect the addition of the fence along the retaining wall.

MR. PETRO: Roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |

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MR. ARGENIO

AYE

MR. PETRO

AYE

REGULAR ITEMS:

MONDOME, INC. (04-10)

Mr. Gregory Shaw of Shaw Engineering and Mr. John Alva appeared before the board for this proposal.

MR. PETRO: Mondome is proposal of seasonal sports dome on the existing golf course property. Plan proposes seasonal utilized 21,830 square foot sports dome on the north side of the existing golf facility. Application has been previously reviewed at 26 May, 2004 planning board meeting and was subsequently forwarded to the Zoning Board of Appeals. Property is in R-1 zone, use is expansion of the use A-4 recreational facilities, subject to code Section 300-19. You went to the ZBA for the following reasons, we sent you there, side yard setback 50, required 40 proposed. Proposed temporary seasonal building and parking 143 required 39 permanent, proposed additional 28, gravel overflow. Okay, what happened at the ZBA?

MR. SHAW: Well, we, after we got rejected from the planning board, we made application to the zoning board and got variances for the side yard setback. As you mentioned parking spaces, the fact that this is a non-permanent structure and a recreational facility and I believe there may have been one more variance but I'm not sure. We're back before this board for site plan approval. As the board may remember, this dome is going to be used for soccer purposes. It will be used during the season of probably November through March, it will be used during the months where there will be no golf taking place at the golf course. The new parking facilities which we're proposing will also benefit the golf course during the summer months. Those spaces will be available for the golfers who want to use the facility. On the site we have site lighting providing the required number of foot candles during the winter months so people who are using the facility

will be able to get to their cars and have adequate lighting. One thing I have added to the drawings and talking to the client and I think now would be the appropriate time to just review it with the board, you'll see on the drawing number 2 in the bottom left-hand corner, there's a future addition which is proposed, this addition will be 16 feet by 100 feet, this will not be built at this time, it will be built in the future. And what that building will house will be a lobby, bathrooms, seating area and a snack stand. All right, long term planning, this structure or this dome should have a permanent structure with it to accommodate those features and we're planning for it now rather than have to come back to this board at a later date.

MR. PETRO: That addition, Greg, I don't know the square footage, how does it change the--

MR. SHAW: 1,600 square feet.

MR. PETRO: How would it affect or change the variances that you received when you went to the zoning board, did you show that?

MR. SHAW: No, that was not on there. The variance that we received, your zoning requires us to provide if you just bear with me, four spaces per acre for a recreational facility. We're obligated to provide 133 spaces. Also with that we're obligated to provide ten spaces for the retail golf shop for 143. We're providing 39, that does not include the overflow parking, the overflow parking but to go back to your question, I would think it would be logical that if you're requiring four spaces per acre, all right, which times your 33 acres that would encompass enough spaces to address the uses that that new addition is going to be utilized for. It's not going to be for new office or new retail, they're accessory uses that go along with the dome, a recreational facility, a seating area

for people to watch the soccer games, a snack stand, bathrooms and a lobby area. Those are not parking space generators.

MR. PETRO: Listen and I don't disagree with your argument but I think you're telling the wrong board. Why are you telling the planning board that? You should of told the zoning board that when you were there. It should have been on the map, right? Why are you telling us? I agree with your argument that people will be going inside the building anyway, not generating anymore parking but you've got a variance for parking on the square footage of the dome, you didn't, you don't have the 1,600 foot on there.

MR. SHAW: The variance for the parking was based--

MR. EDSALL: This is one of the rare cases where the parking is based on the land area, not on the building area. It's an odd section of our code that recreation is based on square or rather an acreage of recreation rather than square footage so it, the building could be four times, the dome could be four times the size it wouldn't affect the parking calculation.

MR. SHAW: To expand a, what mark's saying we can put up four domes on this property and comply with your zoning now because we now have a variance based upon four spaces per acre times the 33 acres. Am I correct, Mark?

MR. EDSALL: Yeah, it's unique in the code that this, like I said, is based on the acreage of the land, nothing to do with the square footage of the building because it's a recreational use.

MR. PETRO: What's the dome built out of, John? Does it have footings?

MR. ALVA: I'm putting in a foundation that would hold

a regular building but it's to hold the dome down rather than to hold it up.

MR. PETRO: In the future, you convert this, you don't have soccer and you're going to convert the building into something else, obviously you have a change of use, you're coming back, that parking is not even close.

MR. EDSALL: No, this parking is strictly for recreation use, if the site changed from recreational, they'd have to come back.

MR. PETRO: And then we start in the 200 feet would generate a spot.

MR. EDSALL: They may need a lot more parking. When Greg mentioned this upon return to the work shop, it wasn't a surprise to me cause all the facilities that I have seen that are of similar uses have a lot of times on the end or on the side a masonry addition more or less for bathrooms, counter to check people in, maybe one set of interior bleachers, it's pretty common in the business, just someplace for the parents to sit down.

MR. PETRO: Sounds like you're satisfied with that, he gave us his line of whatever you want to call it and let's go on to other site plan issues.

MR. EDSALL: Do you want to deal with it now or--

MR. PETRO: No, it's all right, I understand it now better but let's do other site plan issues.

MR. LANDER: Let's deal with it now. It says future addition, are we going to look at this with the new seasonal dome, are we, when he gets approval for this, is this addition going to be part of that approval?

MR. PETRO: We're looking at it as if it's going to be built tomorrow morning.

MR. LANDER: Why wasn't it put up here?

MR. EDSALL: That's why I'm asking if the board is willing to take this as part of the current application, you should just show it as an addition to the dome.

MR. SHAW: The intent is to get the dome up this year before the soccer season starts and not to build this permanent 1,600 square foot structure and to build it possibly next year or the year after, that's what my client wishes to do.

MR. PETRO: Once he gets the building permit, we should look at the whole thing now. The building permit is good for 18 months?

MR. BABCOCK: Yes.

MR. PETRO: So you have that time window anyway so I would, we're looking at the whole picture now, we're not piecemealing this.

MR. SHAW: No, what I'm asking you to do is to approve not only the dome but that 1,600 square foot structure now just to allow my client to the flexibility of maybe waiting three years to build it rather than have us make another application back to this board and go through the process again.

MR. LANDER: Where are the restrooms now? You're not going to build this for three years, let's say.

MR. SHAW: As we discussed, the restrooms are presently in the existing golf shop and we went through the number of bathrooms versus what's required by code and we have enough bathrooms with respect to the code. The

issue of handicapped access is another issue, there may have to be some work done within the bathrooms to satisfy Mr. Babcock and his department but that's a building permit issue.

MR. SCHLESINGER: Is the dome pressurized?

MR. ALVA: Yes.

MR. SCHLESINGER: And you have a revolving door because it's a pressurized dome, correct?

MR. ALVA: Yes.

MR. SCHLESINGER: How does the handicapped accessibility affect that?

MR. ALVA: We have an air lock chamber they would actually--

MR. SCHLESINGER: The revolving door acts as a--

MR. ALVA: Not for wheelchairs, so what I have is I have a door that you open, you go into a chamber, you close the door.

MR. SCHLESINGER: I understand what you're saying. Is that your emergency exit door?

MR. ALVA: There's also others.

MR. SCHLESINGER: That's not shown on the plan either then.

MR. SHAW: On the site plan.

MR. SCHLESINGER: Yes.

MR. SHAW: Emergency exit doors are not shown on a site plan specifically, this is your main entry door, the

revolving door that's your handicapped door, I believe.

MR. SCHLESINGER: That's what I asked, he said no.

MR. ALVA: I added another door as well, they didn't ask me to, I just did in case.

MR. SCHLESINGER: I'm familiar with the pressurized entrances and exits and I know for a handicapped person it's a little bit of a hardship.

MR. ALVA: I added another door but there's also right at the front entrance that's the one that's pressurized.

MR. SCHLESINGER: This is your revolving door?

MR. ALVA: Yes.

MR. SCHLESINGER: That's the pressurized door?

MR. ALVA: Yes and there's another one back here for emergency.

MR. SCHLESINGER: And this is where you're--it's to create the pressurization?

MR. ALVA: Yes.

MR. SCHLESINGER: We can look at the plan and tell is the elevation here the same for the parking?

MR. LANDER: I would assume.

MR. SCHLESINGER: Parking is at the same elevation as the elevation?

MR. SHAW: Yes.

MR. PETRO: Greg, I want to talk about the topo a

little bit, you've got a lot of contour lines here and the wall is pretty high in a few spots, why don't you go over the wall a little bit?

MR. SHAW: Well, what we have is it's a busy area, presently at the site you have existing tee boxes for the driving range, you have a cart path which takes you up in this fashion for the first hole and you have a golf green area right here and sandwiched between that we have a good sloped piece of property. Obviously, the seasonal dome is going to be a flat structure, there's going to be no change in elevation from one to the other, the parking lot's relatively flat, also the maximum slope is 5 percent, so you end up with a relatively flat area. And because there's not a lot of room to regrade, what we have to do in order to get the cart path up to the first hole is to put a retaining wall in there. We're looking at a Rockwood type wall and each of these walls in the worst case there's three of them are four feet high so worst case it's 12 feet but that's in a relatively small area right here. The rest would be 8 feet high and when you get to the extremities here and along the parking area maximum would be four feet high.

MR. PETRO: And fence on the top?

MR. SHAW: Yes, actually, going along the cart path it's a combination of the split rail fence for pedestrians and also going to be making a wood guardrail for the golf carts that will be going up the path to make sure they don't go through the split rail fence and over the wall. So it will be a double layer of protection, one for vehicles and one for pedestrians.

MR. PETRO: Okay, all right, drainage, I see you have 15 inch right here, what's this a catch basin over here?

MR. SHAW: Yeah, we have a couple catch basins in the parking lot and what we're doing is we're taking the drainage down into the golf course area. Over the years, Mr. Alva has put a lot of money into the golf course with respect to drainage and this low lying area that we're draining to is a very thick gravel area where the storm water gets absorbed into the ground. I was to the site the Monday following the rain storms we had that weekend and I walked in this area and it was dry and we had a tremendous amount of rain. So it does work. What happens is it butts up against the property to the north which is a very large wetlands area, so you have a farm next door with wetlands, you have an infiltration area on the site and the storm water will be flowing in the northerly direction.

MR. PETRO: Isn't there a pond, a small pond?

MR. ALVA: It wasn't a pond but in the spring it was wet, looked like a pond. Since then when it dried out I removed all the topsoil, put a layer of gravel through the whole thing, put the topsoil back on top and the water just slides underneath the grass. There was a pond there like two months in the spring every spring.

MR. PETRO: I shot a lot of frogs in this pond so I know where it was. Okay, lighting?

MR. SHAW: We have three poles which will provide illumination that will be here and as in any commercial parking lot it will be lit during non-daylight hours, just that simple.

MR. PETRO: John, you think 39 spots plus the 28 is going to be sufficient for what you're doing?

MR. ALVA: It's a lot more than I have now and it's only one field, it's not a full size field where you have 11 on 11, you have 6 on 6, 5 players and a goalie

and there's going to be an overlap of when one teams, two teams are leaving and two teams are coming in.

MR. PETRO: Don't you have that out in the other one, we had the parking like it's not always at one time?

MR. EDSALL: Same idea except in Washingtonville fields there's multiple and they play 11 via 11 so it's a lot more people involved.

MR. PETRO: This parking lot, does it eliminate the one that's there now?

MR. ALVA: Well, it eliminates that and then--

MR. PETRO: You don't have that plus this.

MR. ALVA: Right, there's a well, there's, it's double the size now though because that one fit 30 cars approximately and now it will fit how many does the bigger one fit?

MR. SHAW: Permanent parking takes 39 with another 28 at the overflow.

MR. ALVA: So it's--

MR. PETRO: But once this is in operation from March till when?

MR. SHAW: No, from end of November, December through about March.

MR. PETRO: Golf course is closed when this is open?

MR. SHAW: Absolutely closed.

MR. BABCOCK: One thing that the zoning board had mentioned about the parking was is that if we were to, if his business grew where we thought he needed more

parking, that he would be getting a visit from me and we would tell him that he's got to put it in.

MR. PETRO: I'm dwelling on the parking probably too much, you already did it at zoning, so it's already resolved.

MR. BABCOCK: Mr. Alva said that he hopes that his business picks up so that he does have to increase the parking.

MR. PETRO: You'd be happy to build another lot. Let me ask you this, this is an important question, I will ask Andy cause you were there, how was the attendance for a public hearing at the zoning board?

MR. KRIEGER: I'm trying to remember. Was there anybody there?

MR. SHAW: Nobody.

MR. KRIEGER: That's what I thought there was nobody there.

MR. PETRO: Did we take lead agency? We did that in the first one?

MS. MASON: Yes.

MR. PETRO: Do any of the members have comment on the site plan itself other than what we have already gone over?

MR. ARGENIO: I think you've done a pretty thorough review of it.

MR. PETRO: Let me start with this, let's take, it's only my opinion, I don't like to duplicate a public hearing, especially when it was zero attendance, you had one at the Zoning Board, I'll entertain a motion

under our discretionary judgment to waive the public hearing.

MR. ARGENIO: Make a motion that we waive the public hearing for this application.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing under its discretionary judgment for Mondome, Inc. site plan on Mt. Airy Road. Any further discussion? If not, roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: I'll take a motion for negative dec.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under the SEQRA process for the Mondome, Inc. site plan on Mt. Airy Road. Any further discussion from the board members? If not, roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |

MR. PETRO

AYE

MR. PETRO: Mark, do you have anything else that you want to add? I think we covered it pretty good. We have fire approval on 5/19/2004, highway just says that it will be subject to his comment. I guess he wants to look at the drainage. I think if you explain the drainage as you did to us it should not be a problem. I can't speak for him so that will be your only subject-to which will be the highway.

MR. EDSALL: The only issue which you may want to put on the table then just follow up with the fire inspector to see whether or not it's really absolutely necessary with the agricultural nature of this site and the area this building is tucked quite a bit back up into the hill if you notice on the site plan every 50 foot for the entire length of the roadway there's a fire lane sign, it's going to look like a sign farm. I don't know if that's really--

MR. ARGENIO: I assumed that those signs were driven by the fire inspector.

MR. EDSALL: I'm just wondering, my concern is that if we're creating the driveway as a fire lane are we now saying that every driveway in the Town of New Windsor needs to have a sign every 50 feet? I don't think it's going to look too wonderful, personally, so I'm just mentioning it.

MR. PETRO: It's not a requirement of this planning board.

MR. EDSALL: No, I'm just saying that you may want to inquire to the benefit of the aesthetics of the site is it really needed.

MR. PETRO: I would do that if I were you, I'm not going to do it.

MR. SHAW: We did that, we met with Mr. McDonald and he was the one that requested that we put it in and the issue really comes down as Mark said is how are you treating this, is this a driveway or is this a fire lane?

MR. PETRO: I would say all driveways are fire lanes. Did you ever see a driveway and say well, fire truck, you can't come up here so then every driveway should have them.

MR. SHAW: Then to the logical extension of what you're saying is that they should be marked with fire signs so every driveway should have no parking fire signs.

MR. PETRO: Why did this pop up on this application?

MR. EDSALL: I have no idea.

MR. SHAW: Cause I met with Mr. McDonald and that's what he wanted and to get approval from this board I indicated such on the plan.

MR. EDSALL: I'm just bringing it up.

MR. SHAW: Mark thought it was worthwhile to bring it before this board, just see how you felt on it.

MR. PETRO: Well, you know how I feel, I think it's ridiculous and I think if we do that, we should go to every driveway all over Town, you got an 800 foot driveway, put fire signs along them.

MR. BABCOCK: I could talk to John and find out what his feelings are and then if he doesn't require it, we won't require him to do it.

MR. ARGENIO: I don't think anybody is here.

MR. EDSALL: If they get relief from John, you have no problem?

MR. BABCOCK: I'll talk to John.

MR. PETRO: Any members have any problem? I think it's--

MR. BABCOCK: John may feel because, the only way I can put it together is because of the parking variance that they have, it's quite a large parking variance, he's concerned that the cars are going to park along the road. I'm sure that's his concern. So maybe they can be policed for a while and if it doesn't happen, if it does then we'll have to put the sign.

MR. PETRO: Maybe not quite so many.

MR. ARGENIO: A couple of signs would be fine but a sign every 50 foot seems quite excessive to me.

MR. SCHLESINGER: If you're concerned, you should have the signs every 50 feet. You going to police it? Who's going to police it? What difference does it make?

MR. PETRO: If it became a problem, you'd be aware of it immediately.

MR. SCHLESINGER: I'd rather not have the problem.

MR. BABCOCK: I'll talk to John if he wants them they'll be put in.

MR. PETRO: I would say it's not a requirement of the planning board, take it up with the fire department. I don't want to be bothered with that anyway, he's got enough junk, I haven't seen so many stupid things.

MR. SHAW: I'm sorry to interrupt you, you were just

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wrapping up the last item.

MR. PETRO: Planning board should require that a bond estimate be submitted for this site plan in accordance with 137 of the Town Code. The other subject-to would be the signing off by the highway department. If he wants to review the drainage with you, which you already did with us unfortunately he's not here. Any further comment from the board members? I'll entertain a motion for final approval.

MR. ARGENIO: Make a motion for final approval for Mondome, Inc. site plan on Mt. Airy Road.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Mondome, Inc. site plan subject to the two that I just read in about three times. Any further comment from the board members? If not, roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

ELLA MAE HARRIS SUBDIVISION & LOT LINE CHANGE (03-25)

Mr. Michael Harris appeared before the board for this proposal.

MR. PETRO: Proposed two lot residential subdivision, divide two existing dwellings on a single lot. So let's say you have one single lot right now, you want to make it into two. Project involves subdivision of 0.814 parcel with two existing houses to create individual lots for each house. Application previously reviewed at the 27 August, 2003 planning board meeting. Was referred to the ZBA because of the improper size of the lot, is that why?

MR. BABCOCK: Yes.

MR. PETRO: The ZBA, all variances granted have been indicated on the plan. I'm aware of no outstanding items. Planning board should verify the status of SEQRA. Planning board should determine if public hearing will be necessary for this minor subdivision or be waived. We need to verify that this application is not subject to or would be referred to the Orange County Planning. We just did that earlier so no, you would not be, we looked at it prior, I think what we'll do, Mark, is just set a precedent that anything that comes in at this point, I don't think any of the members disagree.

MR. ARGENIO: I think you're right.

MR. PETRO: Okay, why don't you go over this.

MR. KRIEGER: I think Mr. Chairman when you do that with each applicant to whom it applies they should be advised.

MR. PETRO: We could be overruled.

MR. KRIEGER: Yes, in which case they would suffer more so than this board.

MR. PETRO: They're moving ahead at their own risk, we're not going to enforce it.

MR. KRIEGER: The board is not going to require it.

MR. PETRO: What I did with this first fella if he wants to forward it to them at his own courtesy, they have been here since 2002 and move along that way but that's a good point.

MR. KRIEGER: People should be advised, that's all.

MR. PETRO: Just briefly tell us what you're doing.

MR. HARRIS: Basically, the lot's been in existence since 1960, the first house that's been there since 1960, the other since 1984. We're basically just simply splitting it, not doing anything else, everything is already pre-existing.

MR. PETRO: Run your finger down the lot line.

MR. HARRIS: This is the first house, second house and basically the lot line kind of divides that probably in half, there's a road, used to be part of that old railroad track that ran along here, there's a court settlement awarding us access to the road, one half basically belongs to us pretty much a rectangular little offshoot to get us up to Riley.

MR. PETRO: The frontage, where was the frontage, Mike, the frontage was granted at zoning board and lot size obviously they don't have frontage on the road, is that one of your variances?

MR. BABCOCK: Yes.

MR. EDSALL: Variances are listed to the right side of the table.

MR. BABCOCK: Lot 1 got road frontage.

MR. PETRO: All right, Ron, I interrupted you.

MR. LANDER: Just wondering when were these houses built? You said something--

MR. HARRIS: This one was 1960, this one was 1984.

MR. LANDER: 1984, you've got two houses on one lot?

MR. BABCOCK: That's correct.

MR. PETRO: Where were you in 1984?

MR. BABCOCK: Not here, I didn't work here then.

MR. PETRO: So we can't do this, right?

MR. LANDER: You had zoning in what, '67?

MR. BABCOCK: Well, what I understood by reading this file is that one of these houses started out, the big house started out as a house, the two story brick house in the rear was a garage and was converted to a house. Is that not correct?

MR. HARRIS: Yes.

MR. LANDER: In '84?

MR. HARRIS: '84, I mean, that's about, my father was alive then, he had a stroke shortly after that so a lot of the history and the details on it I just don't have.

MR. PETRO: Was there a building permit issued?

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MR. HARRIS: The last time we looked there was a building permit, I dug up some plans or something initially I think the initial building permit had to deal with I think the garage or something like that. I always knew it pretty much as a house, I was in college when the thing got built and it's pretty much been there.

MR. PETRO: Was there a C of C issued?

MR. BABCOCK: No, once he gets the process done, he's going to have to get that.

MR. PETRO: So you're going to take over once we get through this?

MR. BABCOCK: That's correct.

MR. MASON: Your family still owns both?

MR. HARRIS: Yes, my mother lives right here.

MR. PETRO: Okay, well, the lot is created by the zoning board, they have given you the variances, they're saying they're satisfied with the frontage and the size of the lot, that's quite a variance for size but it's already existing.

MR. BABCOCK: Well, Mr. Chairman, the law says you can only have one house per lot so it's the only way to solve this problem. These two houses can never be sold, they can never do nothing without this.

MR. PETRO: I don't disagree with you. Need a motion for lead agency.

MR. ARGENIO: I'll make that motion for lead agency.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Ella Mae Harris minor subdivision on Riley Road. Is there any further discussion? If not, roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: I think you just went through the zoning board, you know how we feel about that so I'll entertain a motion to waive the public hearing.

MR. ARGENIO: I'll make that motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for Ella Mae Harris minor subdivision on Riley Road. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

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|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: Motion for negative dec.

MR. ARGENIO: I'll make the motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare a negative dec under the SEQRA process for the Ella Mae Harris subdivision on Riley Road. Any further discussion? If not, roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: We have a highway disapproval, says drainage problems on property must be addressed, private road agreement will be required. Mike, how about that? We don't get into that now, he can get together with Mr. Kroll and find out what he wants, why he wants a private road agreement. He may be misinformed, take care of that. The drainage take a look at it, you may have to comply with a 15 inch CMP out front but we're not going to solve it now by talking about it. So I make the highway as a subject-to and you have to understand you will not get a stamp for final approval, we're going to give you final approval but you can't take action until you get that resolved.

MR. HARRIS: So I need to see Mr. Kroll with the highway department?

MR. PETRO: Says highway disapproval on the form so I can't, we can grant the final but it will be subject to his signing it.

MR. ARGENIO: Just a little confusion over the private road business.

MR. BABCOCK: Actually, I don't know.

MR. EDSALL: I spoke with Henry about it briefly and explained to him some of the information Mr. Harris gave us that the rights to use this access were established from the Supreme Court in a legal action years ago. Henry's belief was that they should try to create a maintenance agreement so that the maintenance of the road, removal of snow and such doesn't become a nuisance to the Town.

MR. ARGENIO: I don't see a road, I see two driveways.

MR. HARRIS: The thing here says three inch wide ditch, there's a road basically to the side of that, the only thing that I know of regarding the highway department you see that concrete headwall, all the water that comes down from Dean Hill, my understanding is the highway department at some point dug a ditch right along this road all the way in the back, dumps water somewhere else. I met with them briefly which is why I'm a little surprised about the disapproval, I went there to inquire my mother, told me they dug it a while back. And it didn't make that much of a difference as they put more houses and moved water up there but it's not something we dug, I'm assuming what he's looking for is either access to the--I don't know.

MR. PETRO: I can tell you one thing, we're nothing going to solve it now, so we'll move along, get it sorted out with him, we're not going to hold you up so you don't have to come back here, get it straightened out with him. Once he signs it, I'll sign your plans and you can--

MR. HARRIS: Sign this plan or some other piece of paper I need to take to him?

MR. PETRO: Well, you need to meet with him, call, get

in touch with Mr. Kroll, find out his problems and I'm trying to think of the best way to do that, Mike, cause he's going to overwhelm him, you really need to be there.

MR. EDSALL: Maybe Myra can arrange for him to come to the work shop and Henry can join us, we can all go over it.

MR. PETRO: Why don't you do that, it's a good idea, come to one more workshop, we'll have the highway superintendent come in while Mark is there, I think you can clear things up a little bit more easily than you meeting with Mr. Kroll in the field, you'll be like, I got to do what?

MR. KARNAVEZOS: One other quick thing on the acreage it says 35,477 square feet but if you add the two lots together it's 39,000, almost 40,000 square feet and I don't know if there's, because of the easement or something but the two numbers don't match.

MR. PETRO: Have the roadway figured in, that's added in, Tom.

MR. KARNAVEZOS: Okay. Does this road, is it, all this road sits on this property then, right?

MR. HARRIS: Correct. Technically, no, one half of it belongs to us, the other half belongs to lands formerly owned by Fitzpatrick which I don't know.

MR. PETRO: I bet if you add in his half that will bring you up to that number. Ron, anything else?

MR. LANDER: No.

MR. SCHLESINGER: No.

MR. PETRO: Mark, I think we got it pretty well

covered, one month more, workshop with Mr. Kroll and you'll get it settled. Do you have anything else?

MR. HARRIS: No.

MR. PETRO: Fire was approved on 8/6/2003. Entertain a motion for final approval.

MR. ARGENIO: Make a motion for final approval for Ella Mae Harris minor subdivision subject to what the chairman's going to read in in about ten seconds.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Ella Mae Harris minor subdivision on Riley Road subject to the signing off on the plans by the highway superintendent and I believe that's it. Correct? I think we did everything else and back to the one workshop. Roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

AMOIA REALTY LOT LINE CHANGE (04-21)

Mr. Darren Stridiron, L.S. appeared before the board for this proposal.

MR. PETRO: This application proposes lot line revision between lots of Amoia Realty and Cherry with approximately 1.2 acres being conveyed from Cherry to Amoia. Property is located in the PI zone district of the Town being split with the R-4 zone. All properties involved are located in the PI zone, that makes it nice and easy, bulk information is correct for the PI zone. Let me just read right down here. I'm aware of no concerns with regard to this application. I love it when you say that.

MR. EDSALL: I try as much as I can.

MR. PETRO: Very rare, usually there's about six pages of something.

MR. EDSALL: We worked hard at the workshop.

MR. PETRO: Then we have all the technical, so just quickly tell us what you re doing.

MR. STRIDIRON: Basically, what we're doing is Mr. Cherry is selling 1.1 acres to Amoia Realty which is A & R Concrete's business, they make pre-cast concrete items. They're going to be using this land, lot 14.1 as a storage area.

MR. PETRO: Where is Mr. Cherry's building right there?

MR. STRIDIRON: Mr. Cherry's building is right here in the back.

MR. PETRO: I see it there now, okay. And you're going to give him an easement over that property?

MR. STRIDIRON: Yes, he currently owns this 50 foot strip and has an easement for Amoia Realty to access that also.

MR. PETRO: So continue across that piece.

MR. STRIDIRON: But Amoia would own this and give an easement through Cherry.

MR. PETRO: You need to see something Andy?

MR. KRIEGER: No, the--

MR. ARGENIO: Just an extension over what they already have, right?

MR. PETRO: Its reversed.

MR. PETRO: I want to make sure we're not creating a landlocked piece of property, so I want to see something, I don't know what Mark, what kind of instruments?

MR. EDSALL: I'd say that they normally do a lot line change and provide information to Andy demonstrating that they didn't create it as a separate lot, that they merged it so they can show a copy of the filed easement at the same time have Andy review that at the same time.

MR. STRIDIRON: I have the metes and bounds for each lot and then all the easements.

MR. PETRO: So you're already on it?

MR. STRIDIRON: Yeah, that's definitely in the process. It's a confusing process, all the metes and bounds are on the map but legally--

MR. PETRO: Show me the lot line, show me a new lot

line.

MR. STRIDIRON: Pre-existing line for lot 14.1 is right here.

MR. PETRO: That's going to be eliminated?

MR. STRIDIRON: It's going to be extinguished and that property here would be added to lot 14.1.

MR. PETRO: So the next question by creating this new lot line, are we creating any non-conformities or any variances would be incurred, are we, next to the buildings, Mark, did you look at that at that?

MR. EDSALL: I did and everything's fine.

MR. PETRO: Motion for lead agency.

MR. ARGENIO: I'll make the motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Amoia Realty lot line change. Any further discussion from the board members? If not, roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. ARGENIO: Can I ask one question relative to the easement? There's an easement in place right now, is that correct?

MR. STRIDIRON: Yes, correct.

MR. ARGENIO: So the new easement would be the same verbiage and legalese?

MR. EDSALL: It's the reverse. Keep in mind that the front 50 foot strip used to be an easement, somewhere along the line, it was created as its own parcel which I had him add that note that it is.

MR. ARGENIO: I see it.

MR. EDSALL: So we cleaned that up so there's no chance it can be sold and somebody attempt to get a building permit.

MR. LANDER: Ron we also have existing well on Cherry to remain on the newly created lots?

MR. PETRO: Yes.

MR. LANDER: How is that going to work?

MR. PETRO: He says he's writing up the document that's going to take care of it so, I mean, Mr. Cherry would be not wise to go to a closing and sign anything that didn't have those instruments so I'm sure he's going to show up there with an attorney and I'm not going to sit here and design every instrument of law for him. We went over the easement, brought up the well. My main concern with the new lot line you're not creating any non-conforming setbacks or problems and Mr. Edsall says you're not so we're going to move forward. We're really not changing anything here, gentlemen, we're just adding a line and subtracting a line. It's going to remain the same type of use, the properties, I know both properties, I know both businesses so I would suggest that we waive the public hearing.

MR. ARGENIO: I'll make a motion we waive the public

hearing.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board waive the public hearing for the Amoia Realty and Cherry lot line change on Ruscitti Road. Is there any further discussion from the board members? If not, roll.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: Motion for negative dec.

MR. ARGENIO: I'll make the motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Amoia Realty and Cherry lot line change on Ruscitti Road. Is there any further discussion? If not, roll call.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: You understand that if the Orange County Department of Planning wants to see this plan for some

reason if he feel we should forward it to them and we didn't you'll have to take the necessary steps to appease them so we're not going to require that it goes there at this time. Okay?

MR. STRIDIRON: Yes.

MR. PETRO: Andy, does that cover it pretty good?

MR. KRIEGER: Yes.

MR. PETRO: And I will entertain a motion for final approval.

MR. ARGENIO: I'll make the motion for final approval for the Amoia Realty and Cherry lot line change on Ruscitti road.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Amoia Realty and Cherry lot line change on Ruscitti Road. I don't think we have any subject-tos.

MR. EDSALL: No.

MR. PETRO: So there's no subject-tos. You're getting final approval, enjoy it.

ROLL CALL

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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MR. PETRO: We'll take a five minute recess.
(Whereupon, a brief recess was taken.)

EXXON-MOBIL SITE PLAN & SPECIAL PERMIT (04-22)

Gregory Meese, Esq. and Mr. Brian Shortino appeared before the board for this proposal.

MR. PETRO: Proposed renovation of the existing service station. Where is this? This application proposes construction of the facility with new gas pumps, retail building and car wash plan. You already have a car wash in the back, a small one. This plan is reviewed on a concept basis only. I think they get tired of the gas station every couple years, just like to build a new one. How many times have we done this? A few times?

MR. EDSALL: I think this is the third time I've seen it.

MR. MEESE: A complete demo rebuild. We moved everything, the entire site.

MR. PETRO: You guys in the gasoline business must make some money, unbelievable. Okay, why don't you start out with a presentation?

MR. MEESE: Just to review briefly, I'm the attorney for the project and Brian Shortino is the project engineer. Basically, we have there today seven fuel dispensers, a car wash, that's a rollover type one car car wash and a convenient store of 1,200 square feet, it's kind of a bad configuration. We're going look to being modernize the site, take the dispensers from 7 to 8, the car wash will remain basically the same size and type one car rollover type car wash.

MR. PETRO: Where, I don't see it on the plan.

MR. MEESE: The new plan here is colored in, car wash will be on the side and the convenient store would be one of the more modern user friendly type of convenient

store, 3,274 square feet.

MR. PETRO: Going to change the curb cuts or remaining?

MR. MEESE: Same curb cuts.

MR. PETRO: Not getting anything from the state as far as permit of any kind, you're not going to the state?

MR. MEESE: I'm not sure that we have to based upon the plan, curb cuts are remaining the same.

MR. PETRO: Well, you wouldn't have to if you don't go across the state line, so you're saying you're not going to change, the curb cuts are remaining, you're not touching anything?

MR. MEESE: Yes.

MR. PETRO: Big front one is remaining the same configuration, there's a real big one up front in the property, see all the curbing out in front, that's correct, down in that area, move a little bit further to the north.

MR. SHORTINO: There's two driveways along Route 32.

MR. PETRO: Right down on the corner of the building see all that curbing out front right in here, yes, all that's remaining as it is, in other words, not touching anything out there, basically just taking the buildings down and rebuilding what you're showing us there? Nothing to do with the site itself as far as along the property lines?

MR. BABCOCK: There's some vacuums being put out there.

MR. EDSALL: Right, right out in the curb line along the apex of the intersection.

MR. PETRO: I see three vacuum installations and it's right on the curbing.

MR. EDSALL: Two and a foam unit.

MR. PETRO: But it's still well within their property.

MR. EDSALL: Within their property.

MR. PETRO: You seem to have a concern because it's in the flow of traffic.

MR. EDSALL: It's very close to the intersection and also is, depending on how they park would obstruct access to the pumps. So I'm just bringing to your attention. I don't know if there's a better spot.

MR. PETRO: We'll have to look at it but I can tell you that the vacuums are for, the people who use those like to be seen by other people. You know what I'm trying to say? That's where they want to be. They don't want to be in the back of the property, they're just doing it so people see them when they ride by. They're not even vacuuming.

MR. ARGENIO: Do you have proof of this?

MR. PETRO: I'm not going any further but I know what I'm talking about, I think. Back to the site plan. Maybe.

MR. MEESE: Maybe Brian if you can review the site plan and the circulation and the flow of traffic.

MR. SHORTINO: Actually three driveways on the site, there's two on Route 32, one closest to the intersection is the one way in, that's going to remain the same orientation, the one further away from the intersection of Route 32 is two way and that will remain the same orientation and traffic flow of the

other driveway on Route 94 again two-way driveway existing to remain, no change to that. Complete rebuild to the site, all the features on the site are being demolished. We're going to try and save whatever landscaping currently exists on site, whatever can be saved is going to be attempted to be saved. With respect to the layout of the site, the canopy is more or less staying in the same location but it's being moved a little closer to Route 32 and what that does is at the present time there's an existing convenient store below the canopy, small, approximately 1,200 square feet. The larger convenient store is being pushed back into the site in the westerly direction, it will sit where the existing car wash is now. We'll have some parking in front of that convenient store and the idea is that people can, there's different ways of using the convenient store, as your car's being fueled, you can run in and get whatever items you need and come back to your car or you can do your transaction at the pumps and pull up in front of the store and go inside the convenient store, if you need other convenience items and then the car wash is oriented in a counterclockwise orientation, the driveway or the entrance would be on the left side of the building, they're going counterclockwise direction, enter the car wash from the rear and you'll exit facing Route 32 and then you can exit either onto Route 32 or travel within the state and then on through Route 94. So we expect the traffic patterns and orientation along the curb lines there are no real changes, it's just a modernization and upgrade of the gas station with the same features that we presently have from more or less the convenient store. Since the Exxon-Mobil merger, this is the type of convenient store most of the facilities are going to which is a larger type store that's the trend in the motor vehicle service station, motor fuel industry with the large stores, it's what the public is looking for and we're just trying to cater to the customer demand.

MR. PETRO: What's the side yard on the car wash?

MR. SHORTINO: Twelve feet.

MR. PETRO: Mark?

MR. EDSALL: They'd need some variances.

MR. PETRO: Just going over the sheets I think what we're going to do if the board agrees with me conceptually we're going to look at the plan as we're doing right now. You're not from this area, you're not a hundred percent familiar with our town laws, it's obvious because you're missing a lot of bulk information and if you were here seven times in the last two months, you'd know it and have it correct. It's not a big deal but you have to get together with Mark and go over that, also has a second page with a lot of comments and I'm not going to go over every one of them, get together with the engineer, go to a workshop and straighten them out. Don't have to sit here and overdesign the project concept you have. Do you have any problem with the way this layout is? Do you feel that this, there's anything that you want to look at and discuss?

MR. SCHLESINGER: The storage tanks, you get the trucks filling up those tanks you're blocking your way of exit onto Route 32, I mean--

MR. LANDER: Or even the car wash.

MR. SCHLESINGER: Car wash and the people getting gas.

MR. SHORTINO: Well, that could be an issue and depending on when the trucks come during the hours of the day there's also ways of addressing that, there's instances where you can put in remote fills, where you can have the truck in a different location and I know that's not within, so that's, I'm not disagreeing with

you.

MR. EDSALL: Does this function in the same manner as the other one where you have to go inside to buy the car wash ticket?

MR. MEESE: I think there's three ways to do it, you can go inside, get the ticket or you can get the ticket at the pump or they can get a code at the pump and punch in a code.

MR. LANDER: Where is the dumpster enclosure on this plan?

MR. SHORTINO: We have a dumpster enclosure located on the left side of the building, on the right side of the car wash actually a crosshatched area which can double as a loading area.

MR. LANDER: Now what's that going to be made out of? Should I say what's the building going to be made out of?

MR. SHORTINO: I don't know if it's specified on the plans, I'll have to look real quick. Actually, I don't.

MR. LANDER: You want the dumpster enclosure to match whatever the station's made out of.

MR. SHORTINO: That's no problem.

MR. PETRO: Is there a big flag on this property out in front?

MR. SHORTINO: I'm not sure.

MR. MEESE: I don't think so.

MR. PETRO: I thought there was a large flag.

MR. LANDER: Says new single pole.

MR. PETRO: I don't see it on the plan, if there is one, put it on the plan, I think there's a large flag there.

MR. SHORTINO: You want a flag pole?

MR. PETRO: There's quite a few there, we used to require them all the time and we used to ask, not require, we used to ask that you put one but there's quite a few in there and sometimes it's worse than having none if they're all tangled up there.

MR. MASON: There's one there, a big one.

MR. PETRO: Just put it on the plan.

MR. MEESE: Unmanned car wash.

MR. SCHLESINGER: You can get a car wash if you get a free car wash certain amount of gas or whatever or you can just go get a car wash?

MR. MEESE: Yes, you can go in get a car wash or you can get a car, you can work the car wash through a token or punch in a key pad with a code.

MR. SCHLESINGER: If I just wanted to get a car wash, do I have to park my car, see somebody or can I pay for it at the entrance?

MR. MEESE: You can pay for it at the car wash through a credit card or get a code from the attendant at the pump or inside the store.

MR. PETRO: All right.

MR. KRIEGER: With the flag pole, you want to specify

that the flag pole have the national flag.

MR. PETRO: Before you're done, do you have anything you want to discuss? I don't want to go any further. Conceptually, we don't have a problem with it, get together with the engineer and the next time you come you'll have three pages of comments. I'm aware of no further concerns and we can move along.

MR. MEESE: There's several variances that we're going to need, can we go ahead with the zoning board the same time or want us to come back to the planning board?

MR. PETRO: We can do that, Mark, what do you think?

MR. EDSALL: I would like to doublecheck some numbers with them but we'll do the referral once we're sure the bulk table is complete, so authorize the referral at this point.

MR. PETRO: Okay, motion for final approval.

MR. ARGENIO: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning board grant final approval to the Exxon-Mobil site plan amendment. Any further discussion from the board members? If not, roll call.

ROLL CALL

| | |
|-----------------|----|
| MR. LANDER | NO |
| MR. SCHLESINGER | NO |
| MR. KARNAVEZOS | NO |
| MR. ARGENIO | NO |
| MR. PETRO | NO |

MR. PETRO: At this time, you ever been referred to the

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New Windsor Zoning Board for your necessary variances. If you are successful in receiving those variances and apply them on the plan, you can then again appear before this board. Good luck.

MR. MEESE: We'll work with your engineer and work out these comments.

MR. PETRO: Seems like you have a little work to do there but what we did is save you another trip back. No sense coming back and doing what you just did four weeks from now. The plan looks great, just got to, you know, fix the numbers up and get it going. Thank you.

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MT. AIRY ESTATES (04-23)

MR. BABCOCK: Doesn't appear the applicant is here, Mr. Chairman, you'll have to skip over it.

MR. PETRO: We have a no-show so we'll pass over him.

PLUM PONT CONDOMINIUMS AMENDED PARKING LOT SITE PLAN
(04-24)

MR. PETRO: Proposed change in parking layout. Application proposes construction of an additional parking to serve the mansion building units. The mansion building units include a total of 12 units. Building includes 12 units by code, a minimum of 24 parking spaces are required. The current development plan does not include 24 delineated spaces. My first question would be why not? This plan proposes revision of the parking on the west side of the building to provide necessary spaces. Let me read down this a little bit before we start. Mark, let me ask you why isn't there 24 spaces if that's what's required? Is there any particular reason?

MR. EDSALL: I'm not quite sure what the original site plan says.

MR. PETRO: Are the owners here? Your name?

MR. HALBERTHAL: Isere Halberthal.

MR. PETRO: Why don't you have 24 spaces if that's what was there when you built the condos?

MR. HALBERTHAL: There was no room for 24 spaces so we had to put the spaces over here to make it work.

MR. PETRO: How many spaces were provided for the building?

MR. HALBERTHAL: Twenty-four.

MR. PETRO: They were provided?

MR. HALBERTHAL: Yes.

MR. PETRO: You just said they're not provided.

MR. HALBERTHAL: There was parking spaces there.

MR. EDSALL: Don't look at me.

MR. HALBERTHAL: On the old plan there was parking spaces, there were definitely just, there's no room between the building, just doesn't work so we provided the 24 spaces here.

MR. PETRO: You mean an engineer came to the board, we went through the whole process and there was 24 spaces provided, they were on the map, we looked at it, our engineer reviewed it, the attorney and myself all looked at it and said fine, approved it and now it doesn't work?

MR. HALBERTHAL: Right.

MR. EDSALL: I'm not sure what the original plan showed but I know physically out there they don't have enough spaces to serve that building and that's why they're here.

MR. BABCOCK: That's holding your, we told him to increase the parking in this area for the amount of units, if you remember the mansion used to, when it was approved it had the recreation facilities in the mansion.

MR. PETRO: Did you build more condos in the mansion than on the original plan?

MR. BABCOCK: That's correct, yes.

MR. HALBERTHAL: No.

MR. PETRO: No and yes, which one? On the original plan?

MR. HALBERTHAL: On the original plan it was a recreation facility.

MR. PETRO: That's no longer there and you built condos in the space of the recreation, there's got to be a reason there's not enough spaces.

MR. HALBERTHAL: There was always 12 units in this area, yes.

MR. LANDER: With the recreational facility?

MR. HALBERTHAL: Talking 20 years ago, I think so, yes.

MR. ARGENIO: What's the deal Mike?

MR. BABCOCK: Well, I know that there was recreational facilities in this building, that's what the first plan, proposal was. They have now since moved into a different building, I don't know whether the number of units increased or not. All I know is that they're required to have two parking spaces per unit, they don't have 24, they have 12 units, I can't give them a C.O. on anymore until he creates more parking. There's no parking for the units, where are they going to park? So I'm telling him he has to increase the parking there to come up to 24 so he has two per unit.

MR. LANDER: He has 15 now?

MR. BABCOCK: That's correct.

MR. PETRO: He has to go to 24?

MR. BABCOCK: That's correct.

MR. LANDER: The 18th space looks like a driveway, is that correct?

MR. HALBERTHAL: This will be a space too.

MR. PETRO: You're trying to create the pink spaces is what you want to do?

MR. HALBERTHAL: Yes, well, I went over with Mark at the workshop and it's--

MR. PETRO: The other ones are all existing?

MR. HALBERTHAL: The black but this is basically room for the 24.

MR. ARGENIO: One through 14 existing, 15, 16 and 17 exist, is that correct?

MR. HALBERTHAL: Seventeen is right here.

MR. PETRO: Way up on the end. So I want to know like what's the problem? So what I'm going to do, you know what, it's very unusual, there's 50 people here, they've got a problem.

MR. HALBERTHAL: I was surprised.

MR. PETRO: Is there one person there that can speak? Can you come up here? Please keep in mind this is not a public hearing but I want to know what's going on because it's very unusual that you have so many people coming in when there's extra spaces but only with the spaces I don't want to know about roof gutters or anything like that, just this subject please.

MS. SHAPIRO: Barbara Shapiro.

MR. ARGENIO: You're the one who wrote the letter?

MS. SHAPIRO: That's correct and chairman did you read the letter?

MR. PETRO: We read it earlier.

MS. SHAPIRO: Do you understand what our contention is?

MR. PETRO: Well, no, explain it to me better.

MS. SHAPIRO: Okay, it's true Mr. Halberthal needs 24 spaces, what we object to is we're owners that purchased there under a current site plan. After we purchased and we lived there now Mr. Halberthal comes to the board and wants to change what we purchased and you might say to us well, so what, what does it bother you? It bothers us because Mr. Halberthal is taking away green space in front of the mansion. The mansion, if this were the mansion, there's a tiny bit of grass, tiny bit which we have hired a landscape architect.

MR. PETRO: Is there anywhere else you can put these spaces?

MS. SHAPIRO: Yes.

MR. HALBERTHAL: No.

MR. PETRO: Yes and no again.

MR. HALBERTHAL: Just three spaces going on the grass.

MR. PETRO: I understand that on that entire Plum Point there's no other place you can put three spaces to satisfy the building inspector?

MR. HALBERTHAL: For this building, no. Well, again, its Phase 4, I can't go into the other phase.

MR. PETRO: A lot of times technically it's different than reality, do you really need the spaces there? I mean, every day when you go home, is there a problem with parking?

MS. SHAPIRO: Yes, well, Chairman Petro, not all the people have moved into the mansion yet and there isn't adequate parking now.

MR. PETRO: So it is a reality, that's what I'm asking you if it's a reality, not just technical that we're reading.

MS. SHAPIRO: May I just move over to the map and say there's land on the side of the mansion which we don't object to if Mr. Halberthal wants to put parking here.

MR. PETRO: Does he own the property?

MS. SHAPIRO: Yes, well, actually, Mr. Halberthal doesn't own the property at all, that's a misnomer because that's common property and common property belongs to the people that live in the condominiums.

MR. PETRO: You were pointing on the other side of the line?

MR. HALBERTHAL: Same common property.

MS. SHAPIRO: There's common property but there's a side that we would not object to and the reason we wouldn't object to because it would be on the side of the mansion. It wouldn't change the integrity of the front, what it would require is a little bit of excavation by Mr. Halberthal and that's why we feel Mr. Halberthal doesn't want to do it because he doesn't want to do a little excavation.

MR. PETRO: Why don't you want to do it?

MR. HALBERTHAL: If I brought you the plan with that she would still be standing over here telling the same story, that's number 1. Number 2, in the offering plan it says clearly that the mansion will have 24 spaces. When they bought the units, they knew there were going

to be 24 spaces there, it goes in the back over here, the people in the mansion here will probably object to it so what difference does it make if I would have a new plan over here showing her what she wants me just to spend money so they can go through here. I don't see having room to go with the car back here, there's a big slope in the back here, so she wants me to raise the whole thing and then she'll say oh, we don't want it there, we want it here.

MR. ARGENIO: Can I say something? I object to your speculation as to what she wants you to do, as I would object to her speculation speculating on what she wants you to do. So please don't do that, please focus on the reality of what the chairman asked you, please do that for me.

MR. HALBERTHAL: Okay, now, the reality is that when this is blacktopped, we try to do minimum blacktop as possible, if we have to go to the back over here which is not even possible we'll have to add more blacktop and you couldn't get right in and out and when I went to the workshop meeting this basically works fine, there's ingress, there's egress, everything is working fine there.

MR. SCHLESINGER: This plan was approved with 24 parking spots, is that correct? I'd like to see where the 24 parking spots were.

MR. PETRO: That's what I'm asking.

MR. EDSALL: We'd have to go back into the old file.

MR. SCHLESINGER: If it was approved for 24, two per unit and there's 12 units, let's see where they are, that's what was approved?

MR. PETRO: What he's saying do you have the plan, original plan that when you purchased it it showed the

spots?

MS. SHAPIRO: The original plan was I believe from 1985 the Town has.

MR. PETRO: We still have the plan?

MR. BABCOCK: Yeah, we do.

MS. SHAPIRO: It's very difficult for the Town, we have asked the Town for several months and we have come here, actually, you could see all our Freedom of Information Acts that we filed asking for the original plan, nobody seems to truly be able to produce the original plan.

MR. BABCOCK: We have that, Mr. Chairman, it's in the Plum Point general file.

MS. SHAPIRO: Well, we haven't been able to find it and we've gone through it.

MR. BABCOCK: Didn't ask me, they didn't ask me. I have it. I mean, I've showed it to some of the people already.

MS. SHAPIRO: Okay.

MR. PETRO: All the people here are all in mind with this lady here, I mean you're, basically, nobody objects to what she's saying, right? Okay, I don't know, we have to take a look at the plan, the original plan, unfortunately, we don't have it here because it would make things a lot easier. Once we look at that,

MS. SCHROEDER: I'm actually in the mansion and I question, my husband was an engineer too, why are there not 24 spaces now when there were before?

MR. PETRO: Your name?

MS. SCHROEDER: Hinde Schroeder (phonetic).

MR. PETRO: You don't have a plan with you?

MS. SCHROEDER: No. I still don't understand what the objection is to the present plan, what's everyone's objection to that?

MR. PETRO: Well, there's a little bit of green area in the front of the building that they're trying to preserve it and she feels there's other adequate spots to put that. Now, again, I don't disagree with what you're saying but if the plan shows where they go and that's where you purchased it, one, we have that site plan that's where they go, he's not obligated to put it anywhere else, if they're not there, he's trying to add them and stick these in here then we have a valid concern.

MS. SHAPIRO: Good, okay.

MR. PETRO: And I agree if I lived there, I don't want the two spots in the front, you've got to admit that's kind of a lousy place to put two spots. I don't necessarily know that they would be on the site plan, the original site plan, they look like they're just drawn in there.

MR. HALBERTHAL: But they have ingress egress on the other plan.

MR. PETRO: You may or may not be correct. I want to see the other plan. We're going to look at it and see how it stands, that plan is binding, there's nothing that you have to change, you have to build what's on that plan and that's it. If it's not that way, I think we can make some other configuration than this. I don't really see where the four on the side don't bother me so much as those two in the front look like

they're just floating. Why don't we put one in the parking lot over here, they can drive up here and sit around. That's just ridiculous the two in the front.

MR. SCHLESINGER: If we get to second base, I think first base is the original plan, if we have to go to second base, I'd like to see it designed with some numbers here, make sure that this is within the right specs.

MR. ARGENIO: Dimensions and stuff.

MR. SCHLESINGER: Absolutely.

MR. HALBERTHAL: The numbers are there.

MR. PETRO: Size of the spots, there's a lot of things.

MR. SCHLESINGER: The difference, the back-out, everything, I mean.

MR. PETRO: The parking aisles, flow of traffic, okay, let me recap it. First of all, we're not doing anything tonight. I'm not taking any action. We're going to take out, Mike, you're going to take out the plan or Myra can get the plan out, I want to see it, we'll schedule you here I guess next meeting. I don't see any reason why we can't find it.

MR. BABCOCK: I have it.

MR. PETRO: You can give it to this gentleman here to see what you can do, you might like exactly what it is, maybe you can get together with these people and find a spot that works. I can't believe the original plan is going to have those spots.

MR. HALBERTHAL: The original plan didn't have the planter which is in already, that was completed, didn't have this whole ingress egress here and was coming from

the road.

MR. PETRO: Why then is it built like that? If it's on the original plan differently, you may have to take that out and build it correctly. And I don't know that, I'm just saying I can't imagine why you would build that configuration if it wasn't on the original plan. Why?

MR. HALBERTHAL: Why because that's why we can decide to make an amendment to the site plan and do it this way because we think it looks better this way.

MR. PETRO: But it's already built. It may not be.

MR. HALBERTHAL: So we can get to a site plan amendment.

MR. PETRO: We're going in circles now because we're just basically talking and it doesn't mean anything. We're going to get out the site plan, see what it is you have to either adhere to that site plan or come here with an amended site plan.

MR. HALBERTHAL: That's what it is, an amended site plan.

MR. PETRO: It's not acceptable at this time, I want to see what the full plan is, we're going to look at it so I want him on the next agenda. The only thing I might make differently is I don't really think, you know, I know you people want a public hearing, it states it there, obviously if you're coming up and talking any way it's the same as having a public hearing, if I do a public hearing, it's a mailing and it may not be necessary.

MS. SHAPIRO: That's okay with us.

MR. PETRO: If you come up and speak your piece we're

going to listen to you. We do it here on occasion, it's very unusual but we hear what you're saying and we're not going against you either, I want to see the original plan and we'll make a determination at the next meeting and you're welcome to come back and take a look at it.

MS. SHAPIRO: Thank you.

MR. PETRO: In the meantime, come up and look at the original plan because if it's built like that you really don't have much to stand on.

MS. SHAPIRO: We wouldn't.

MR. PETRO: If it's not built on that then he's going to have to, he might have to take that out and rebuild something.

MS. SHAPIRO: Because this whole egress wasn't on the original plan.

MR. HALBERTHAL: It's prohibitive to take it out today, it's through here and it works basically better.

MR. PETRO: I would suggest to you very strongly that you get ahold of the original plan, you must have a site plan on the job. Are you working there presently?

MR. HALBERTHAL: I'm not doing anything there now because I stopped to do this.

MR. PETRO: But you must have a site plan in your possession somewhere. I would suggest that you look at it and this has to coincide with your site plan, if it doesn't, you're going to have a problem.

MR. HALBERTHAL: That's why it doesn't and I'm going for the, for a site plan amendment.

MR. PETRO: If you come in for a full site plan amendment, not just this as Mr. Schlesinger said we want to see a real plan with dimensions, this plan doesn't even have a stamp on it.

MR. HALBERTHAL: It does.

MR. PETRO: Look, well, this is not, you need a full plan and I'm going to have, it's going to be a full application, all right, which then I'll have a public hearing, but we need to have something that's more definitive than that, that is if you were sitting here and I showed you that plan, you probably would ask me to leave. Any other town would ask you to take it down and go home. Look at that, look, I don't know that it's right or wrong, no sense of talking about it anymore. I'm sorry that you came in, we can't do anything, be on the next agenda, we'll have a site plan, I would suggest that you take a look at it and see what you can do.

MR. HALBERTHAL: When is the next agenda?

MR. PETRO: Two weeks or second--

MS. MASON: 22nd of September.

DISCUSSION

NAPOLI'S PIZZA

MR. PETRO: Under discussion we have Napoli's Pizza on Windsor Highway. I'm going to represent it myself. Very simply, he was visited by the fire inspector because he had a problem with the location of the dumpster enclosure, it's about 30 feet on the other side of the property. And his neighbor called because he had a rat problem so they took care of the rats, he had a wood shed on his own property, he didn't mention that but the rats were gone. I saw a receipt, he had the Board of Health there himself, had a clean bill of health and the fire department wants to know.

MR. LANDER: Where's the dumpster?

MR. PETRO: When you're looking at the building directly behind the building the plan shows it on the right side, it was built on the left side and I think the reason for that was that you can see it from the highway straight down and they felt it was better behind the building. I asked him how long it's been there, it was built in 1991, it's been there 13 1/2 years and never a problem. I then went to the fire inspector, asked him if he had a problem with the location and he said no, I do not as long as the planning board doesn't. So I looked at it and I said to myself first of all, moving it 30 feet left or right is not going to solve the rat problem, they're not moving. They'll move but anyway that's resolved. So I said I would ask the board if they had a problem with letting it remain. The fire department does not have a problem, the building inspector does not have a problem. Anybody object to it staying where it is?

MR. LANDER: Well, what about the guy who made the complaint?

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MR. PETRO: About the rats, there's a stockade fence, he can't even see it from his property.

MR. ARGENIO: They said he could care less where it is, as long as the rats were gone.

MR. LANDER: So it means they need more pickups.

MR. PETRO: There's no problem now, they're dead.

MR. ARGENIO: I have no problem with it.

MR. BABCOCK: The problem so the board understands the problem's straightened out, what we want is to be on record so we can take a copy of these minutes and put in that file so that somebody doesn't go there and tell him he has to move the dumpster on the other side of the building.

MR. SCHLESINGER: I don't see any problem for the dumpster to stay where it is.

MR. LANDER: There's no enclosure?

MR. PETRO: There's an enclosure stockade right around.

MR. SCHLESINGER: Make a motion to that effect.

MR. PETRO: Just poll the board. Tom, do you have a problem?

MR. KARNAVEZOS: No.

MR. ARGENIO: I'm okay.

MR. PETRO: No problem.

ARTIC GLACIER NEWBURGH, INC.

MR. EDSALL: They were at the work shop. It's a company in the City of Newburgh, the old Reynold's Ice building. And the property extends off of Lake Street and projects into the, into New Windsor off set back from the highway behind Heights Lumber is the portion that's owned by Newburgh Glacier and is in the Town of New Windsor. They're currently before the City of Newburgh Planning Board for a 13,464 square foot addition wholly within the City of Newburgh but they want to use a portion of the property in New Windsor for parking, parking alone. Because they're coming into New Windsor, question becomes do they need approval. Really all you'd be approving is a parking lot. My suggestion is that you authorize me to communicate with the City of Newburgh Planning Board if you agree that you have no objection, no application will be needed. However, the only restriction that's imposed is that the parking lot cannot be used separate from this operation, it's got to be parking to serve this facility. Number 2, it can't be used for storage of vehicles or any other materials, no hazardous materials, nothing else, only be used for conventional parking to serve the facility.

MR. LANDER: Is it for employee parking?

MR. EDSALL: I'm not sure if it's employee or if there's going to be customer access or deliveries but it's basically--

MR. BABCOCK: Says trucks.

MR. EDSALL: There's some trucks and there's other parking which looks as if it's regular vehicles 10 by 20's, so there's four trucks and 12 vehicles which are probably employees. So my first suggestion if you agree would be that you declare that you do not wish to be lead agency and that you would endorse City of

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Newburgh Planning Board as being lead agency and then let them know if you have any concerns.

MR. PETRO: You take care of it from there.

MR. EDSALL: I will if you so desire.

MR. PETRO: Yes.

FOX MEADOW ESTATES

MR. PETRO: We have a request here that the planning board grant conditional final approval for the above-referenced subdivision, which is Fox Meadow Estates on Toleman Road on March 24, 2004. It's my understanding that the conditions for approval consisted of the following and he's looking for valid up to 180 days and he's looking for a second 90 day, another first 90 day extension. Why don't we do two 90's so let's give him a second 180. Any problem?

MR. EDSALL: I suggest you do both 90's.

MR. PETRO: Motion?

MR. ARGENIO: Make the motion.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning board grants 180 day extension to the Fox Meadow Estates on Toleman Road. Any further discussion from the board members? Myra pick it up from the date that it expired, which is September 20, 2004 and run it out. Okay?

ROLL CALL

| | |
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| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |
| MR. PETRO | AYE |

MONDOME, INC.

MR. SCHLESINGER: Question for Mark, under discussion on the dome, the parking spaces are, it's a unique situation because it's a temporary building, is that correct?

MR. EDSALL: It is.

MR. PETRO: Parking goes with the land.

MR. ARGENIO: Not the square footage of the building.

MR. EDSALL: Keep in mind one of the things you probably should be aware of when they first came into the planning board they only had the paved parking lot and I talked to the chairman and said I really don't feel comfortable with that because knowing these type of operations going to a lot of tournaments, coaching, there's that overlap, we made them add the overlap.

MR. SCHLESINGER: What I'm trying to get at if they didn't want to put up a dome and it wasn't a seasonal thing where they can take down, put up, they wanted to put up a permanent building, would that change the parking requirements?

MR. EDSALL: No, they can put in a permanent building four times the size and the parking calculation would be identical.

MR. SCHLESINGER: Because it goes with the land.

MR. EDSALL: It goes with the acreage.

MR. ARGENIO: Recreational use.

MR. EDSALL: Yeah, if they changed the use and it's used other than recreation, whole new ball game.

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MR. SCHLESINGER: Recreational goes with the land, not with the size of the establishment.

MR. BABCOCK: Recreational can be a field where they play soccer, somebody comes in with just open fields and if it was a requirement per building they wouldn't have any parking so that's why the Town made it by acreage.

73 WINDSOR HIGHWAY SITE PLAN

MR. LANDER: Mr. Edsall or Mr. Babcock, Mr. Shaw, that fence was not needed on his first application here before us even though the wall was five to six feet high, why was that?

MR. BABCOCK: I don't think we said it wasn't needed, there's no Town Law requiring that.

MR. PETRO: Common sense dictates it.

MR. EDSALL: That's part of your review so you can just require it.

MR. LANDER: What I'm trying to get at is if I put a walkway in let's say a handicapped ramp with a walkway and it's over 18 inches high I've got to have a railing.

MR. ARGENIO: ADA, that's a whole different package, baby.

MR. LANDER: I take it back, there's no handicapped access stairs to my house, I don't need it but I have to have a railing cause it's over 18 inches high.

MR. ARGENIO: State Code.

MR. BABCOCK: That's State Code plus that's, that's a landing. If there's a landing, you have to have the railings.

MR. SCHLESINGER: Wasn't there a requirement of a fence on the storage, the new storage building on 32?

MR. BABCOCK: It was a requirement because it wasn't his site plan, we required it because you gentlemen required it, actually, I don't know whether anybody required it, he put it there because he didn't want

somebody to fall off.

MR. SCHLESINGER: We required it. So are you saying that it's not a requirement for the Town, it's not really accurate, he should of just turned around and said you didn't require it but we're putting in?

MR. EDSALL: When it was mentioned and most applicants when I mentioned it at the workshop say fine.

MR. ARGENIO: It would be a foolish argument to me to not put it in.

MR. BABCOCK: Greg Shaw's asked, what he asked is what section of the code requires that so I can put it in there. There is none, he knew.

MR. PETRO: Motion to adjourn.

MR. KRIEGER: On the 22nd I may not be here.

MR. PETRO: Okay, if we run into a problem we'll table it until you get here and resolve it. Motion to adjourn?

MR. ARGENIO: So moved.

MR. LANDER: Second it.

ROLL CALL

| | |
|-----------------|-----|
| MR. LANDER | AYE |
| MR. SCHLESINGER | AYE |
| MR. KARNAVEZOS | AYE |
| MR. ARGENIO | AYE |

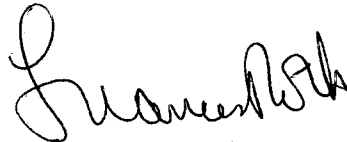
September 8, 2004

73

MR. PETRO

AYE

Respectfully Submitted By:


Frances Roth
Stenographer

9/21/04